

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MICHAEL STEWART, <i>et al.</i> ,)	
)	
Plaintiffs,)	
v.)	No. 16-6117-CV-SJ-BP
)	
DAVID SPEISER, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER DENYING MOTION FOR JUDGMENT AS A MATTER OF LAW

The Court issued its Judgment in this case on April 19, 2018. (Doc. 187.) On May 18, 2018, Plaintiffs filed a Motion for Judgment as a Matter of Law and for New Trial. The Motion is denied because it is untimely.

A Motion for Judgment as a Matter of Law must be made within 28 days of the judgment. Fed. R. Civ. P. 50(b). A Motion for New Trial must also be filed “no later than 28 days after the entry of judgment.” Fed. R. Civ. P. 59(b). Plaintiffs filed their motion 29 days after the judgment, making their motion untimely. The Court lacks jurisdiction to consider an untimely motion. *E.g.*, *United States v. Mask of Ka-Nefer-Nefer*, 752 F.3d 737, 743 (8th Cir. 2014); *Heide v. Scovel*, 355 Fed. App’x 91, *1 (8th Cir. 2009) (citing *Sanders v. Clemco Indus.*, 862 F.2d 161, 168-69 (8th Cir. 1988)); *see also* Fed. R. Civ. P. 6(b) (forbidding district courts from extending deadlines in Rules 50 and 59). Therefore, Plaintiffs’ motion, (Doc. 189), must be **DENIED**.

IT IS SO ORDERED.

DATE: June 28, 2018

/s/ Beth Phillips

BETH PHILLIPS, JUDGE
UNITED STATES DISTRICT COURT